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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,690	09/19/2001	James McCambridge	2206.65752	9754

7590 12/29/2004

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/29/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/955,690
Filing Date: September 19, 2001
Appellant(s): MCCAMBRIDGE ET AL.

MAILED
DEC 2 9 2004
GROUP 3700

Patrick G. Burns

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/03/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-3, 7, 9-11, and 15-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7). In view of this, only independent claims 1, 9, and 15 are at issue.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

US 4,031,617

Tanaka et al.

06-1977

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 7, 9-11, and 15-17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (4,031,617), hereinafter Tanaka. Tanaka teaches a trimmer attachment 3, 4 for a hair clipper A, which has a stationary blade 1 and a reciprocating blade 5, 7. Tanaka also teaches that the attachment includes means 32 for securing the attachment to the hair clipper A and a movable trimmer blade 4 that reciprocates in response to reciprocation of the reciprocating blade 5, 7 of the hair clipper A. The reciprocating member 7 and the inner blade assembly 5 define the reciprocating blade of the hair clipper A. The trimmer attachment 3, 4 is secured to a base plate 26 of the head B of the hair clipper A. The movable blade 4 of the trimmer attachment 3, 4 has pawls 25, 25' that engages with the box-shaped body 20 of the reciprocating member 7 of the reciprocating blade 5, 7 of the hair clipper A. The reciprocation of the reciprocating member 7 of the blade 5 by the rotary shaft 17 of the hair clipper A, reciprocates the pawls 25, 25' of the movable blade 4 of the hair clipper attachment 3, 4. See Figs. 1-8 and col. 2, lines 1-68 and col. 3, lines 1-64 in Tanaka.

Regarding claim 2, Tanaka teaches everything noted above including a driver arm 20 which partially surrounding the reciprocating blade 5, 7 of the hair clipper A. Tanaka also teaches a blade guide 25, 25' operatively connected to the drive arm 20 and also is secured to the movable trimmer blade 4. The box-shaped body 20 is partially surrounding the reciprocating blade 5, 7. See Fig. 4 in Tanaka.

Regarding claim 3, Tanaka teaches everything noted above including that the trimmer attachment also has a stationary trimmer blade 3 that complements the movable trimmer blade 4 and the movable trimmer blade 4 reciprocates across the stationary trimmer blade 3 to cut hair. See Fig. 4 in Tanaka.

Regarding claim 7, Tanaka teaches everything noted above including that the blades 1, 5, 7 of the hair clipper A have a first width and the movable trimmer blade 4 has a second width narrower than the first width. The width of the movable trimmer blade 4 is narrower than the width of the hair clipper's blades 1, 5, 7 and this is clearly shown in Fig. 6.

Regarding claim 9, Tanaka teaches everything noted above including securing means 32 for removably securing the attachment 3, 4 to the hair clipper A. The attachment 3, 4 is removed from the hair clipper A when the securing means 32 is removed. Therefore, the attachment 3, 4 is removably secured to the hair clipper by a securing means 32. See Figs. 4 and 8 in Tanaka.

Regarding claims 10 and 11, Tanaka teaches everything in claims 2 and 3.

Regarding claim 15, Tanaka teaches everything noted above including that the movable trimmer blade 4 is driven, in a reciprocating manner, by reciprocation of the reciprocating blade 5, 7 of the hair clipper. See Figs. 4 and 6 in Tanaka.

Regarding claims 16 and 17, Tanaka teaches everything in claims 2 and 3.

(11) Response to Argument

It should be noted that Appellant grouped all the rejected claims in one group and asserts that claims are argued as a group.

Appellant's argument that the rejection of claims 1-3, 7, 9-11, and 15-17 should be reversed because the cited Tanaka does not disclose a movable trimmer blade that reciprocates in response to reciprocation of a reciprocating blade of a hair clipper is in error. As stated in the rejection above, Tanaka teaches a trimmer attachment 3, 4 including a movable trimmer blade 4. Tanaka also teaches a hair clipper A including a stationary blade 1 and a reciprocating blade 5, 7. The blade 5 and its driving member 7 define a reciprocating blade for the hair clipper A. The movable trimmer blade 4 has pawls 25 and 25' that contact both sides of the box-shaped body 20 in the lower part of the driving member 7 of the reciprocating blade 5, 7. The movable trimmer blade 4 reciprocates in response to reciprocation of the reciprocating blade 5, 7 of the hair clipper A. See Fig. 4 in Tanaka, below.

Appellant's argument, "The Examiner's assertion that the reciprocating blade in the reference includes both the shaver blade 5 and the drive member 7 is unreasonable, because the drive member 7 is a separate element that performs a function different than the function performed by the shaver blade 5", is not persuasive. The blade 5 and the drive member 7 in combination create a reciprocating blade 5, 7. Therefore, the blade 5 and its reciprocating member 7 work together in order to create a reciprocating blade for the hair clipper. Claim 1 recites, "a movable trimmer blade that reciprocates in response to reciprocation of reciprocating blade of the hair clipper". However, appellant's structure in the instant application functions similarly. For example, the blade guide 126 of the movable blade 130 reciprocates in response of reciprocation to the drive arm 124 and the reciprocating blade 18 of the hair clipper 12. The movable blade 130 is attached to the blade guide 126 and the

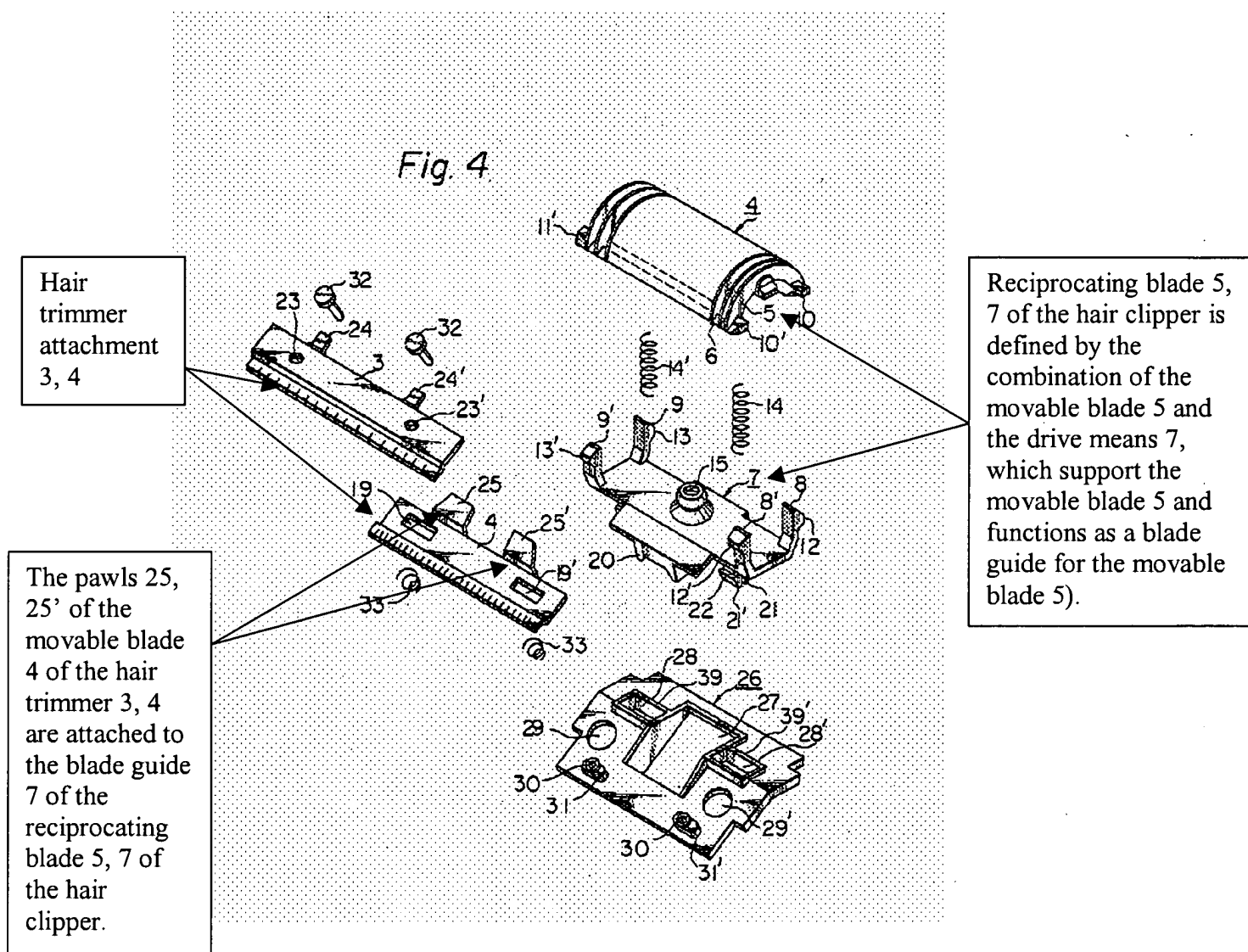
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blade guide is considered to be like a support base of the movable blade 130. See Fig. 3 of the instant application. In view of this, the drive members 7 in Tanaka functions like a support base or a blade guide for the movable blade 5. Therefore, the blade 5 and drive member 7 in Tanaka function the same as the movable blade 130 and the blade guide 126 in the instant application. The blade 5, which is mounted to the drive member 7, in combination with drive member 7 creates a single unit that reciprocates. This single unit can be compared with the combination of the blade guide 126 and the movable blade 130 in the instant application, which together create a similar reciprocating unit.

Appellant's argument that the trimmer blade 4 operates in response to the driving member 7, not the shaver blade 5, is not persuasive. As discussed above, the blade 5 and its drive member 7 define a reciprocating blade 5, 7 and the movable blade 4 reciprocates in response to reciprocation of the reciprocating blade 5, 7.

Appellant's assertion that previous rejections based on Cromonic (5,054,199) and Ullman (5,701,673) were traversed on the same grounds and all of those rejections were withdrawn is only partially correct. It should be noted that the rejection based of Cromonic was withdrawn, since Appellant amended claim 1, which was the only independent claim of the application, on 08/11/03. However, Tanaka reads on the limitations set forth in independent claims 1, 9, and 15 as well as several dependent claims. Therefore, the Examiner has refused to withdraw the rejections of claims 1-3, 7, 9-11, and 15-17 over Tanaka. It should be noted that the Examiner has been reasonable and has consistently held some of the dependent claims to contained allowable subject matter and has given the Appellant multiple

opportunities to amend the independent claims based on the objected dependent claims which would place the application in condition of allowance.



For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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December 22, 2004

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